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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 3302

13 **TRACY LYNN STORMS**
14 **1307 W. Oak Street**
Burbank, CA 91506

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 76085**

Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about May 9, 2007, the Board of Pharmacy (Board) issued Pharmacy
24 Technician Registration No. 76085 to Tracy Lynn Storms (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2010, unless renewed.

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1 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by
4 the board or by any other state or federal regulatory agency.”

5 8. Section 4060 of the Code states, in pertinent part:

6 “No person shall possess any controlled substance, except that furnished to a person upon
7 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
8 ...”

9 **REGULATORY PROVISIONS**

10 9. California Code of Regulations, title 16, section 1770, states:

11 "For the purpose of denial, suspension, or revocation of a personal or facility license
12 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
13 crime or act shall be considered substantially related to the qualifications, functions or duties of a
14 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
15 licensee or registrant to perform the functions authorized by his license or registration in a manner
16 consistent with the public health, safety, or welfare."

17 **COST RECOVERY**

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **CONTROLLED SUBSTANCES**

23 11. Hydrocodone combined with acetaminophen is a Schedule III narcotic substance
24 pursuant to Health and Safety Code section 11056(e)(4). Vicodin and Norco are trade/brand
25 names for the combination drugs containing hydrocodone and acetaminophen. Hydrocodone is
26 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

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1 Hydrocodone Bitartrate and Acetaminophen 10 mg – 325 mg. Respondent was arrested by the
2 Los Angeles Police Department. No court action was pursued.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Possession of Controlled Substance and Dangerous Drug)**

5 17. Respondent has subjected her license to disciplinary action under section 4301,
6 subdivision (o), on the grounds of unprofessional conduct, as follows:

7 a. Respondent violated section 4060 of the Code, in that on or about November 12,
8 2007, Respondent took Hydrocodone Bitartrate and Acetaminophen, a controlled substance, from
9 her place of employment, without a prescription, as set forth in paragraph 16, above.

10 b. Respondent violated section 4059, subdivision (a), of the Code in that on or about
11 November 12, 2007, Respondent took Hydrocodone Bitartrate and Acetaminophen, a dangerous
12 drug, from her place of employment, without a prescription, as set forth in paragraph 16, above.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Violation of State Laws Regulating Controlled Substances)**

15 18. Respondent has subjected her license to disciplinary action under section 4301,
16 subdivision (j), on the grounds of unprofessional conduct, as follows:

17 a. Respondent violated Health and Safety Code section 11350, subdivision (a), in that
18 on or about November 12, 2007, Respondent possessed the controlled substance, Hydrocodone
19 Bitartrate and Acetaminophen, without a prescription, as set forth in paragraph 16, above.

20 b. Respondent violated Health and Safety Code section 11173, in that November 12,
21 2007, Respondent took the controlled substance, Hydrocodone Bitartrate and Acetaminophen,
22 from her place of employment, without her employer’s consent, as set forth in paragraph 16,
23 above.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board issue a decision:

27 1. Revoking or suspending Pharmacy Technician Registration No. 76085, issued to
28 Respondent;

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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/27/09

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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